

DEPARTMENT OF COMMERCE

CHAPTER 11

CHEMICAL DEPENDENCY COUNSELORS CERTIFICATION PROGRAM

Sub-Chapter 1

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Sub-Chapter 1

Substantive Rules

8.11.101 FEES (1) The following is the fee schedule for licensed addiction counselors:

(a) Application	\$200
(b) Renewal	135
(c) Late renewal	185
(d) Oral examination/re-examination	200
(e) Document or license replacement	30

(2) The fee for the national certified addiction counselor (level I) written examination is established by and payable directly to the vendor contracted with by the department to administer the written examination. (History: Sec. 37-1-131, 37-1-134, 37-35-103, MCA; IMP, Sec. 37-1-131, 37-35-103, 37-35-202, 37-35-203, MCA; NEW, 1997 MAR p. 1451, Eff. 8/19/97; AMD, 2003 MAR p. 802, Eff. 4/25/03.)

8.11.102 PROCEDURAL RULES (1) The chemical dependency counselor certification program hereby adopts and incorporates the procedural rules of the department of commerce as listed in chapter 2 of this title. (History: Sec. 37-35-103, MCA; IMP, Sec. 2-4-201, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98.)

8.11.103 PUBLIC PARTICIPATION RULES (1) The chemical dependency counselor certification program hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in chapter 2 of this title. (History: Sec. 37-35-103, MCA; IMP, Sec. 2-3-103, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98.)

8.11.104 DEFINITIONS For purposes of this subchapter, the following definitions apply:

(1) "Client" means a recipient of counseling services, provided by an eligible or certified counselor, and includes the primary client, family or household members and other significant relationships of the client.

(2) "Eligible counselor" means an individual who has completed the academic requirements and the application process for certification. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-102, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98.)

8.11.105 NON-RESIDENT CHEMICAL DEPENDENCY COUNSELOR SERVICES (1) Non-resident consulting chemical dependency counselor services defined in 37-35-201, MCA, may be rendered to individuals, groups, corporations or the public for compensation or fee.

(2) To provide such services and engage in such activities in the state of Montana, a chemical dependency counselor duly licensed in the state of the counselor's residence shall file with the program a completed and notarized form provided by the program, stating the nature, location and duration of such services that exceed 10 days within any calendar year.

(3) A letter verifying termination of said services shall be filed with the program at the time of termination. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-201, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98.)

8.11.106 EDUCATION REQUIREMENT (1) Applicants for counselor certification must meet one of the following three education requirements, and must provide information regarding the chemical dependency treatment setting in which the 1000 hours supervised chemical dependency counseling experience will be completed, as well as the name of the certified counselor approved to supervise chemical dependency counseling experience. Applicants must provide certified transcripts or certificates of completion as proof of successful completion of one of the following education programs:

(a) a baccalaureate degree in alcohol and drug studies, psychology, social work, counseling or a related field from an accredited college or university; or

(b) an associate of arts or applied science degree in alcohol and drug studies, chemical dependency or substance abuse from an accredited college or university; or

(c) graduation from a formal chemical dependency counselor training program which is at least one year in duration and has been approved by the department or recognized under the laws of another state. The formal training program must include 400 hours of classroom preparation and 1600 hours of documented clinical training. Applicants must submit a certificate of graduation with application, as well as a description of the curriculum and training provided.

(2) All education requirements must include 270 contact hours of specific chemical dependency or counseling courses. These are contact hours that may be obtained through academic course work, approved workshop training or approved home study courses. The 270 hours must include minimum hours in each of the following areas:

(a) chemical dependency assessment and patient placement (must include chemical dependency assessment, biopsychosocial testing, diagnosis, referrals and patient placement); 30 hours

(b) counseling; 45 hours

(c) pharmacology (must include drug classification, effects, detoxification and withdrawal); 12 hours

(d) ethics (ethics for addiction counselors); 6 hours

(e) alcohol and drug studies; 30 hours

(f) treatment planning and documentation 15 hours

(g) multi-cultural competency - knowledge of and sensitive to the cultural factors and needs of diverse populations and demonstrate competency in applying culturally relevant skills. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-202, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; AMD, 2000 MAR p. 2963, Eff. 10/27/00.) 12 hours

8.11.107 REQUIRED SUPERVISED EXPERIENCE (1) Six months (1000 hours) of supervised chemical dependency counseling experience in an approved chemical dependency treatment setting is required for certification. The supervised experience may be gained through paid work experience, academic internship hours or unpaid volunteer work if the applicant is supervised

by a Montana certified chemical dependency counselor in an approved treatment setting. The counseling experience must be completed in not more than two different treatment settings. (Internship hours earned through an academic chemical dependency field placement program are not included in the limit of two treatment settings.)

(2) Qualified chemical dependency treatment settings include those in which counselors may obtain clinical training and experience and are based on nationally recognized patient placement criteria. The criteria defining chemical dependency treatment settings include those which provide the basis for a continuum of care for patients with alcohol and/or drug addiction and include one or more of the following levels of care:

- (a) outpatient treatment;
- (b) intensive outpatient/day treatment;
- (c) medically monitored inpatient treatment (residential); and
- (d) medically managed inpatient treatment (hospital).

(3) Approved settings for chemical dependency counseling experience include:

- (a) state approved chemical dependency treatment programs;
- (b) joint commission on accreditation of health care organizations (JCAHO) or commission on accreditation of rehabilitation facilities (CARF) approved settings for addictions treatment;
- (c) Indian health service approved settings for chemical dependency treatment;
- (d) organized addictions treatment programs within branches of the armed forces of veterans administration hospitals;
- (e) organized group practice settings (three or more certified counselors in a defined, conjoint practice) providing addiction treatment services. The work setting must have the capacity to provide multi-disciplinary supervision.

(4) All approved outpatient treatment settings must have a direct referral affiliation for the provision of detoxification services, medical and laboratory services and psychiatric and psychological consultation.

(5) All approved treatment settings must demonstrate that the individualized treatment plans include problem formulations, goals, measurable treatment objectives and progress notes and that it conducts regular reviews of plans at specified times by a designated treatment team. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-202, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98.)

8.11.108 DOCUMENTATION REQUIRED FOR VERIFICATION OF 1000 HOURS SUPERVISED COUNSELING EXPERIENCE (1) The name of the certified counselor who has agreed to supervise the counseling experience must be indicated on the application for certification and submitted to the chemical dependency counselor certification program.

(2) In order for the supervised hours to be counted toward the 1000 hours required for supervised experience, the

eligible counselor must maintain weekly time sheets documenting experience in the nine skill areas (form C), available through the program office. The weekly time sheets must be signed by the approved supervisor and submitted to the chemical dependency program at the completion of the required 1000 hours. One summary sheet (form D), available through the program office, summarizing the total weekly time sheets must be attached to verify the required minimum hours have been earned in each of the core areas.

(3) Eligible counselors working full time earning the required 1000 hours work experience will have 18 months after completion of the work to become certified (complete written and oral case presentation examinations).

(4) Eligible counselors working part time will have up to 18 months to complete the supervised work experience and will be permitted 18 months after completing the supervised work experience to become certified (complete written and oral case presentation examinations).

(5) If the 1000 hours are not accumulated at the end of 18 months after making application, individuals must reapply for certification and begin accumulating the required 1000 hours again.

(6) Counselors must have a minimum number of hours in each of the counselor skill groups. The skill groups specified in the "weekly time sheets" maintained by eligible counselors shall include 512 of the 1000 hours experience in the following areas:

(a) clinical evaluations:	
(i) screening	30 hours
(ii) assessment/patient placement	100 hours
(b) treatment planning	50 hours
(c) referrals	20 hours
(d) case management	50 hours
(e) counseling:	
(i) individual	60 hours
(ii) groups	100 hours
(f) client education	40 hours
(g) documentation	40 hours
(h) professional and ethical responsibilities	10 hours
(i) multi-cultural competency	12 hours

(History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-202, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; AMD, 2000 MAR p. 2963, Eff. 10/27/00.)

8.11.109 DIRECT SUPERVISION - MINIMUM HOURS REQUIRED

(1) Supervisors must provide 80 hours direct supervision (observation) of eligible counselors for the 1000 hours required for certification. It is recommended the supervisor observe the work of eligible counselors in every skill group.

(2) All applicants must furnish the name of the program and counselor responsible for supervision of the work experience at the time of application for certification.

(3) Applicants must submit completed documentation of supervised work experience signed by the individual responsible for the supervision prior to the date the first examination is

attempted.

(4) Examinations ordered for individuals will be canceled before the examination date if the required documentation of work experience is not received by the chemical dependency counselor certification program.

(5) Certified counselors may apply for approval to supervise eligible counselors if the counselor holds a current Montana chemical dependency counselor certificate, and has at least three years chemical dependency counseling experience post certification in an approved chemical dependency treatment setting. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-202, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98.)

8.11.110 APPLICATION PROCEDURES (1) Individuals applying for chemical dependency counselor certification in Montana must meet the education requirement before making application for certification or beginning the 1000 hours of supervised work experience. Individuals who have submitted an application that is accepted by the department are then determined to be "eligible" for certification. Applicants who meet the education requirement must submit:

(a) a completed application for chemical dependency counselor certification three page form (form A 1-3), available through the program office. Application must include original signature of applicant and will not be accepted without:

(i) required documentation of education (official transcripts or document verifying graduation from a certified training program) including required 270 contact hours of chemical dependency specific training; and

(ii) specific information regarding the chemical dependency treatment setting in which the supervised work experience will be completed. Applicants must provide the name of the certified counselor responsible for the work supervision.

(iii) individuals applying for certification who have completed the work experience in another state or in Montana prior to July 1, 1996, will need to submit information and documentation with the application for approval by the department; and

(b) required fee payment.

(2) Applicants will be notified within 30 days if the application has been accepted. Eligible applicants will receive information regarding the written examination and the applicants guide for the oral case presentation examination. Applicants will also receive an examination schedule.

(3) The application will be closed if certification is not completed within 18 months after completion of the required 1000 hours work experience. Individuals eliminated from the certification process will be required to reapply and submit a new application with the required fee payment. Applicants reapplying for certification must complete all examinations. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-202, 37-35-203, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; AMD, 2000 MAR p. 2963, Eff. 10/27/00.)

8.11.111 CERTIFICATION PROCESS (1) Eligible applicants working full time will be permitted 18 months after completion of the work experience to complete the examination process. Applicants not certified within 18 months will be eliminated from the certification process and must wait two years before reapplying for certification.

(2) Applicants working part time earning the required 1000 hours work experience will be permitted 18 months in which to complete the counseling experience. Eligible applicants will then be permitted 18 months to complete the examination process. If the work experience is not completed 18 months after the date of application, applicants will be required to reapply for certification and begin a new work experience for the 1000 hours.

(3) Applicants will be permitted three opportunities to complete each examination. Failing an examination for the third time will require the applicant be removed from the certification system and wait two years before making application for certification. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-202, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98.)

8.11.112 WRITTEN EXAMINATION (1) Eligible counselors must complete the 1000 hours supervised work experience before attempting any examination. The written and oral examinations may be attempted in any order. The written examination must be ordered two months prior to the examination date and applicants may apply to take the written examination after three months supervised experience is completed. (The 1000 hours supervised work must be completed by the date of the examination.)

(2) The Montana certification program has authorized use of the national association of alcoholism and drug abuse counselors (NAADAC) written examination. Applicants must receive a passing score as prescribed by the NAADAC commission to successfully meet the written exam requirement. Written examinations are administered in Helena on dates as determined by the chemical dependency program or its contracted examination service.

(a) The content outline of the national certification examination for addiction counselors (NCAC) is as follows:

- (i) pharmacology of psychoactive substances;
- (ii) counseling practice;
- (iii) theoretical base of counseling;
- (iv) ethical and professional issues;

(b) Applicants must document eligibility (date the work experience will be completed) with the certification program 60 days in advance of the examination;

(c) Test results are sent to the applicant and to the certification program. Applicants receive an "overall" score for the examination as well as a separate score for each of the four content areas;

(d) The written examination may be waived for individuals who have successfully completed the NAADAC examination while in another state or who have completed the NCAC test for national certification (NAADAC) within five years of the Montana

application. Applicants must furnish the official notice of test results with the application for chemical dependency counselor certification;

(e) Applicants may attempt the written examination three times and may apply to retake a failed examination. Individuals failing an examination will be required to pay the non-refundable examination fee and submit the application to retake the written examination form (provided to applicants failing the examination);

(f) Applicants failing an examination for the third time must wait out two years before reapplying for certification. Applicants reapplying for certification must meet the certification requirements effective at the time of reapplication and complete all required examinations.

(History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-202, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; AMD, 2000 MAR p. 2963, Eff. 10/27/00.)

8.11.113 ORAL EXAMINATIONS (1) Eligible counselors must complete the supervised work experience before the date of the oral case interview. The written case history, which is required to be submitted to the certification program 30 days prior to the examination date, may be sent before completing the work experience as long as it will be completed before the date of the examination.

(2) Applicants must successfully pass an oral examination in addition to the written examination. The procedure for oral examinations shall include:

(a) applicants will receive a copy of the applicant's guide to the oral case presentation with notification the application for certification has been accepted;

(b) a written case history is prepared according to the prescribed format and submitted to the certification program along with the non-refundable examination fee;

(c) the case history will be reviewed by the program manager to ensure the case conforms to the prescribed format and provides the necessary information;

(d) after the case history is accepted, an oral examination will be scheduled with the applicant. The date, time and location of the examination will be provided in writing. Three examiners will conduct the examination, which will require a maximum of two hours;

(e) in order to pass the oral case presentation examination, the applicant must get a passing score on every counselor skill group from a majority (at least two) of the examiners;

(f) applicants will be notified of the results of the examination in writing within 30 days;

(g) applicants will be permitted three opportunities to pass the oral case presentation. A new cover sheet must be completed and submitted with all copies of the written case history.

(3) The examiners shall be Montana certified counselors, with at least three year's experience - post certification - in a chemical dependency treatment setting, who have completed the department examiner training. (History: Sec. 37-35-103, MCA;

8.11.114 COUNSELORS CERTIFIED IN OTHER STATES

(1) Counselors certified in other states may apply for a Montana endorsement certification. Certificates issued will specify "endorsement certificate" and indicate the state issuing the original certificate. The examinations may be waived if the applicant:

- (a) meets the current Montana education requirements;
- (b) documents 2000 hours (one year) supervised chemical dependency counseling experience in a chemical dependency treatment setting in another state;
- (c) holds a current, unexpired state certificate, in good standing, from another state; and
- (d) shows successful completion of an examination process comparable to the Montana examinations (must have successfully completed a written examination and an oral examination).

(2) Individuals certified by branches of the military government may submit an application for Montana endorsement by providing documentation specified above and the current military certification. Applicants must also furnish the certification and examination requirements for the specific branch of the military.

(3) To apply for endorsement in Montana, the applicant must:

- (a) complete the three page application for certification;
- (b) attach documentation of education and required 2000 hours experience in a chemical dependency treatment setting in another state;
- (c) provide a copy of the current certificate and standards required for certification by the certifying state, including a description of the examinations completed; and
- (d) submit a completed registration form and pay the Montana registration fee.

(4) Individuals certified by a nationally recognized addiction organization prior to February 1, 1997 may submit an application for certification by exam. The educational requirement may be waived and the applicant may participate in the oral and written examination if the applicant:

- (a) holds a current, unexpired certificate, in good standing, from a nationally recognized addiction organization;
- (b) has completed 270 contact hours of specific chemical dependency and counseling courses. These are contact hours that may be obtained through academic course work, approved workshop training or approved home study courses. The 270 hours must include minimum hours in each of the following areas:

- (i) chemical dependency assessment and patient placement (must include chemical dependency assessment, biopsychosocial testing, diagnosis, referrals and patient placement) 30 hours
- (ii) counseling 45 hours
- (iii) pharmacology (must include drug classification, effects, detoxification and withdrawal) 12 hours

- (iv) ethics (ethics for addiction counselors) 6 hours
- (v) alcohol and drug studies 30 hours
- (vi) treatment planning and documentation 15 hours
- and
- (vii) multi-cultural competency - 12 hours
knowledgeable of and sensitive to the cultural factors and needs of diverse populations and demonstrate competency in applying culturally relevant skills and

(c) has completed 1000 hours (six months) supervised chemical dependency counseling experience in a chemical dependency treatment setting.

(5) To apply for this certificate by examination in Montana, the applicant must:

(a) complete the three page application for certification and pay the Montana application fee;

(b) attach documentation of 270 education hours and the required 1000 hours supervised work experience in a chemical dependency treatment setting; and

(c) provide a copy of the applicant's current national certificate.

(6) This certification by exam shall be available to applicants for a period of two years from October 27, 2000. All applicants after that date must apply for certification according to the requirements of the current statutes and rules. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-203, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; AMD, 2000 MAR p. 2963, Eff. 10/27/00.)

8.11.115 RENEWALS (1) Approximately two months before the renewal date, a renewal notice will be sent by the department to each certificate holder to the last address in the program's files. Failure to receive such notice shall not relieve the certificate holder of the holder's obligation to pay renewal fees in such a manner that they are received by the department on or before the renewal date.

(2) A renewed certificate shall be valid for two years following the expiration date of the previously held certificate.

(3) A default in the payment of a renewal fee after the date it is due increases the renewal fee as prescribed by the department. A certificate holder, that has not received his/her certificate from the department due to failure of the certificate holder to meet continuing education requirements or to pay the renewal fee, will be notified in writing by the department. The certificate holder shall have 12 months from the renewal date to obtain continuing education acceptable to the department.

(4) It is unlawful for a person who refuses or fails to pay the renewal fee to practice as a certified chemical dependency counselor in this state.

(5) A non-renewed certificate is lapsed. A lapsed certificate that is not renewed within one year of the most recent renewal date automatically terminates. The terminated certificate may not be reinstated, and a new original

certificate must be obtained by passing a qualifying examination and paying the appropriate fees. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-203, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; AMD, 2000 MAR p. 2963, Eff. 10/27/00; AMD, 2003 MAR p. 802, Eff. 4/25/03.)

8.11.116 CONTINUING EDUCATION REQUIREMENTS (1) All certified counselors are required to earn 40 hours of approved continuing education per two-year renewal cycle to renew the certificate. Training received prior to the date of certification is not counted for renewal.

(2) Counselors earning more than 40 hours over the two year renewal period will be permitted to carry forward up to 20 hours to the next renewal cycle.

(3) The purpose of continuing education is the ongoing professional development of chemical dependency professionals after full certification is awarded. It is the responsibility of the individual chemical dependency counselor to plan, pursue and document the counselor's continuing education.

(4) If a certificate holder is unable to acquire sufficient continuing education credits to meet the requirements due to medical hardship, the certificate holder may request an exemption from the department. All requests for exemptions will be considered and evaluated on a case-by-case basis by the department. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-203, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98.)

8.11.117 COURSE CRITERIA (1) Content of all continuing education courses must be relevant to chemical dependency counseling. Training must be related to the scientific knowledge or technical skills required for chemical dependency counseling. Training must be related to direct and/or indirect client care of chemically dependent individuals. Approved courses are not limited to specific alcohol/drug topics, but may include training in other counseling areas, such as child abuse, compulsive gambling, grief, dually diagnosed clients, stress management and sexuality.

(2) Courses in chemical dependency program administration or management, research or other functional areas of chemical dependency treatment programs related to client care will be accepted.

(3) Courses leading to basic counselor training are not acceptable for continuing education for certified chemical dependency counselors.

(4) Courses which deal with the participants' self-improvement, personal growth, changes in attitude, self-therapy and self-awareness are not approved for continuing education credit. Examples of courses that are not approved for continuing education credit include:

(a) therapy workshops dealing with the participants' personal issues or problems;

(b) chemical dependency education course designed for lay people (public education);

(c) parenting classes or other programs designed for non-professional participants;

(d) liberal arts courses in music, education, art and

other courses unrelated to chemical dependency counseling; and
(e) orientation programs, meaning a specific series of activities designed to familiarize employees with the policies and procedures of an institution or agency.

(5) Courses or workshops containing a minimum of six hours training are "structured" workshop training.

(6) Continuing education credit is not granted for partial attendance of an approved workshop, i.e., attending one day of a two- or three-day workshop. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-203, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98.)

8.11.118 CONTINUING EDUCATION PROCEDURES AND DOCUMENTATION (1) Certificates must be renewed by June 30th of each two-year renewal period according to the department audit process.

(2) The department shall provide the renewal application form and instructions for the audit process to all counselors at least three months in advance of the renewal date.

(3) Certificate holders shall affirm their understanding of and compliance with continuing education requirements and the audit process of renewal with the signing of the renewal form.

(4) The renewal application form must be completed and submitted, together with the renewal fee, as verification of continuing education hours earned during the renewal period.

(5) Certificate holders are required to keep a record of continuing education they have completed. These records shall be made available to the department if the certificate holder is chosen as a part of the random audit review.

(6) Documentation verifying attendance must be attached for all workshops listed on the continuing education submission form. Certificate of attendance must be signed by the sponsoring agency or workshop presenter, and must include the name of the workshop, name of counselor and the date and number of hours attended.

(7) Certificates of completion for training will not be returned. Copies of certificates of attendance are accepted for verification. Documentation will be recorded in counselors computer file and the copy of certificate discarded.

(8) Documentation as required below shall be accepted for each of the following continuing education formats:

(a) counselors attending workshops that have been pre-approved by the department will submit a copy of the certificate of completion. Counselors who attend training that has not been pre-approved must submit, in addition to the certificate of completion, an agenda with the specific breakdown to training hours (specific time of registration, breaks, lunch, etc.), a description of the training and names of the trainers.

(b) A maximum of 20 contact hours may be earned over the two-year certification period by workshop presenters and/or preparation by the author or authors of a recognized professional publication.

(i) workshop presenters may earn up to one-half of the actual contact hours presented for preparation time;

(ii) credit for preparing presentations may be earned only one time for a training event;

(iii) ten hours may be earned by the author for publication of each professional article or book, up to the maximum of 20 hours per renewal cycle.

(c) Training that is less than six continuous hours is considered in-service training. In-service hours do not require prior approval but individual in-service records must be maintained by the counselors. Each in-service training record must include the date of the in-service, the subject or title, the name of the trainer, the length of the in-service (i.e., 1 hour, 1.5 hours) and must be signed by the trainer or the counselor's supervisor.

(d) Training films may be used for in-service training provided the films are observed as part of a structured workshop or in-service training that include a discussion period. Films observed outside a work setting in-service may be counted if the film includes a test instrument to verify training.

(e) Counselors may earn all or part of the required continuing education from academic courses. Course work must be completed after the date of certification or certificate renewal. Courses must be taken for credit. Audited courses will not receive continuing education credit. Ten hours will be given for each academic quarter hour, or 15 hours for each semester credit hour, in the fields of chemical dependency, psychology, social work, counseling and sociology.

(f) Home study courses that have been approved by the department will require a certificate of completion that includes the course name, number of hours earned, date of completion and signature of the provider. (History: Sec. 37-35-103, MCA; IMP, Sec. 37-35-203, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; AMD, 2000 MAR p. 2963, Eff. 10/27/00.)

8.11.119 COMPLAINT PROCEDURE (1) A person, government or private entity may submit a written complaint to the department charging an applicant or certificate holder with a violation of department and program statutes or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the department.

(3) Upon receipt of the written complaint form, the program office shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the applicant or certificate holder complained about for a written response. Upon receipt of the written response, both complaint and response shall be considered by the review panel for appropriate action including dismissal, investigation or a finding of reasonable cause of violation of a statute or rule. The program office shall notify both complainant and certificate holder of the determination made by the review panel.

(4) If a reasonable cause violation determination is made by the review panel, the recommendation to the department shall be to undertake disciplinary proceedings under the Montana Administrative Procedure Act. (History: Sec. 37-1-402, 37-35-

103, MCA; IMP, Sec. 37-1-402, 37-1-403, 37-1-404, 37-35-301, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98.)

8.11.120 UNPROFESSIONAL CONDUCT The chemical dependency counselor certification program defines unprofessional conduct as follows:

- (1) having sexual relations with a client, a client's family member, a client's household member or other persons with whom a client has had a significant relationship within two years after termination of services to that client;
- (2) soliciting sexual relations, committing an act of sexual misconduct or committing a sexual offense with a client or former client;
- (3) soliciting or undertaking sexual relations with the client of another counselor employed in the same program;
- (4) recklessly or carelessly causing physical or emotional harm to a client;
- (5) providing unnecessary or unneeded services, or providing services for longer than necessary, or abandoning a client;
- (6) providing professional counseling services to members of the counselor's own family, household members, friends or close associates or any person with whom the counselor has had a previous sexual relationship;
- (7) interfering with or encouraging termination of any legitimate personal relationship of a client, or interfering with a therapeutic relationship of another counseling professional;
- (8) recommending a client discontinue prescribed medication, or failure to provide a supportive environment for a client who is receiving prescribed medication;
- (9) failing to make an appropriate referral of a client to another professional when requested to do so by the client, or when the problem of the client is beyond the training, experience or competence of the counselor;
- (10) failing to disclose to the client, or prospective client, the fee to be charged for the professional services, or the basis upon which such fees will be computed;
- (11) failing to keep the client informed as to the purpose and nature of any evaluation, treatment or other procedures, and of the client's right to freedom of choice regarding services provided;
- (12) accepting gifts or gratuities of significant monetary value or borrowing money from a client or former client within two years after termination of services;
- (13) misrepresenting the types or status of certification by performing or holding oneself out as able to perform professional services beyond the counselor's field of competence, or outside the scope of the certificate, or delegating professional responsibilities to a person not appropriately qualified to provide such services;
- (14) committing any dishonest, corrupt or fraudulent act which is substantially related to the qualifications, functions or duties of the certificate or any act that exploits a client;
- (15) discriminating against or refusing professional services to anyone on the basis of race, color, gender,

religion, national origin, disability, sexual orientation or any basis prohibited by law;

(16) conviction of any felony;

(17) conviction of driving while under the influence of alcohol or drugs (DUI), or criminal possession of dangerous drugs at any time after issuance of a certificate, and within the two years preceding an application for certificate;

(18) failing to comply with federal rules and regulations regarding client's rights of confidentiality, throughout the course of treatment and following termination of services;

(19) using mood altering chemicals in a manner adversely affecting work performance, effectiveness, credibility or professional integrity;

(20) committing a fraudulent act or providing false information in billing insurance companies or other third party payers, or the exchange of compensation for referral of clients;

(21) providing false or misleading information or documentation in the certification application, or in submission of continuing education information. (History: Sec. 37-1-319, 37-35-103, MCA; IMP, Sec. 37-1-316, 37-1-319, MCA; NEW, 1998 MAR p. 1914, Eff. 7/17/98.)